

**REMARKS**

Claims 1 to 18 are pending in the application.

**Drawings**

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because the dashed line 40 is not shown.

Fig. 2 has been corrected to identify the dashed line illustrated therein by reference numeral 40.

The drawings are objected to as failing to comply with 37 CFR 1.83(a) because the claimed elements regarding two stencils with the article placed between them (claims 6 and 18) and the base element of the adapter being a bar, angle piece, or U-shaped frame (claim 14) are not shown.

Figs. 3a to 3d are submitted to show the variations of the adapter. Fig. 5 shows schematically a card between top and bottom stencils.

The specification has been amended to reflect the drawing changes (new paragraphs under the heading BRIEF DESCRIPTION OF THE DRAWINGS and amended paragraphs 0053, 0054, 0060).

Reconsideration and withdrawal of the objection to the drawings are therefore respectfully requested.

**Claim Objections**

Claims 12-15 are objected to under 37 CFR 1.75(c) as being of improper dependent form. The claim language has been amended as suggested by the examiner.

Claims 16-18 are objected to because of informalities. The claims have been corrected.

**Rejection under 35 U.S.C. 102**

Claims 1-2, 5, 7, 8, 12-17 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Vasilantone* (US 3,244,093).

Claims 1 and 7 have been amended to define a first recess in which the surface of the article onto which the pattern is to be applied is positively secured relative to the stencil

holder within circumferential boundaries of the first recess in a predetermined position relative to the at least one stencil. Moreover, it is defined that the means for securing the stencil is positioned outside of the first recess.

The present invention has the object to positively secure the article onto which the pattern is to be applied relative to the stencil holder. The article is fixed in the stencil holder by positive securing action within a recess. The recess is provided in order to relieve the user practically of any free choice with regard to the alignment of the pattern relative to the surface. The article as well as the stencil are aligned relative to one another and relative to the stencil holder in a fixed position.

In contrast to this, the cited prior art reference employs a frictional securing action for the T-shirt onto which the pattern is to be applied. The surface of the T-shirt is freely placed onto the baseboard 14 and the platen 20 and is then fixed by closing the framework 24 that is secured by a hinge to the rear portion of the baseboard. The gripper flex strips 44 connected to the framework 24 engage the fabric between themselves and the sidewalls 23 and stretch the T-shirt across the platen 20 in all four directions. The silkscreen frame 40 contacts the T-shirt surface to be printed. The "stencil holder" in this prior art reference has the stencil (silkscreen frame 40) attached to it and is moved from above against the article to be printed. The article is not secured within the stencil holder until the moment the stencil contacts the article. Therefore, the article and stencil are never aligned relative to one another in the same way; there is always room for variations when placing the T-shirt onto the platen.

According to the invention, the article and the stencil are secured in proper alignment relative to one another so that the pattern to be applied is always applied in the same way onto the surface. The article is always positioned in the same way in the stencil holder by the positive securing action provided by the circumferential boundaries of the recess.

The examiner states that the reference discloses an adapter 44 configured to be inserted into the recess 42 to adjust the size of the recess. The so-called adapter 44 is the elastic securing means for stretching the T-shirt. The strips 44 cannot be varied so as to reduce the size of the recess in order to accommodate different sizes of paper/cardboard.

The Examiner further states that the reference shows a second recess which is

created by walls 30, 32, 34, 36 wherein the second recess is configured such that the stencil inserted into the second recess forms a flush surface as shown in Figs. 2 and 3. Applicant respectfully disagrees. The walls 30, 32, 34, 36 have a lower frame end (floor) 37. When the stencil (silkscreen frame 40) is inserted, the silkscreen is recessed relative to the floor 37 (see Fig. 3). The present invention provides a flush surface after insertion of the stencil into a second recess such that the hand of the user upon working with the stencil holder can move his hands across the stencil holder and the stencil with out having any projecting or recessed parts when applying a pattern. This is not disclosed in the prior art reference.

In regard to claim 12, the examiner states that the parts 41, 44 fulfill the definition of the adapter. Applicant disagrees. The parts 41, 44 of the cited reference are provided to stretch the fabric of the T-shirt but are not provided to reduce the size of the recess into which the article is inserted. Moreover, it is not even possible to secure the fabric simply by the circumferential boundaries of the recess because soft fabric will warp and slide.

In regard to claim 13, the parts 41, 44 as discussed above are not able to reduce the size of the recess in accordance with varying papers sizes.

In regard to claims 14 and 15, it is respectfully submitted that, as clearly shown in Fig. 1 of the cited reference, the framework 24 has a recess that is matched to the platen 20 so that the T-shirt or other fabric can be clamped between the platen and the recess. However, the present invention does not deal with clamping paper between elements but simply with positively securing paper or cardboard within the circumferential boundaries of a recess.

Reconsideration and withdrawal of the rejection of the claims pursuant to 35 USC 102 are therefore respectfully requested.

#### **Rejection under 35 U.S.C. 103**

Claims 1, 3-4, 6-7, 9-11, 16, 18 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over *Carlson et al.* (US 2003/0118689) and *Volk* (US 5,533,900).

According to the present invention, the recess within the stencil holder is to be designed such that conventional paper sizes are secured positively within the circumferential boundaries of the recess of the stencil holder. When the paper size is

smaller than the recess, adapters are provided in order to reduce the size of the recess accordingly.

*Carlson et al.* does show a recess 30 but this recess 30 is not provided in order to secure the article whose surface is to be provided with the pattern. The small depression 30, according to paragraph 0018, has a size that matches the size of the textured plate 16. The textured plate is used underneath the lower template 14 in order to provide a variety of textured surfaces such as grooves, ridges, etc. to the article or substrate to which the pattern is to be applied. The substrate or so-called medium 26 to which the pattern is to be applied is shown in Figs. 1B, 2, 3 between the template 14 and the template 12. In particular Figs. 2 and 3 show that the medium 26 has a size that does not fit into the depression 30. Note also that the depression 30 as shown in Fig. 1B has two deeper recesses (not identified by reference numbers) and that the textured plate 16 is therefore required to be placed into the depression 30 so as to cover the additional recesses which are apparently provided as reinforcements to stabilize the base plate 18. Without the textured plate 16 (which may be provided without texture so as to provide the support function for the templates within the base plate 18; see paragraph 0015), embossing would be impossible as no support surface is present.

In any case, the embossing system according to *Carlson et al.* does not disclose positive securing of the article or substrate to which the patterns to be applied. Clearly, this is also not the intention of *Carlson et al.* since the goal is obviously to be able to place the medium 26 into any desired position relative to the stencils, as shown in Figs. 2 and 3. For this reason, it is also specifically disclosed that the pegs 20 for securing the stencils are removable in order to allow positioning of the medium 26 in any position.

Even though the cited reference indicates that it can be designed to match certain paper sizes, the paragraph 0023 refers to the **overall size** of the embossing system that may vary depending on particular requirements. Matching the overall size to standard paper does not mean or imply that the depression 30 is designed to precisely fit the paper size 8 ½ by 11 inches or the size of standard greeting cards. In view of the Figs. 2 and 3, where the paper or medium 26 (apparently a greeting card because the medium is folded) is clearly much larger than the embossing apparatus, it cannot be derived that the depression 30 is to be matched to a certain paper size in order to positively secure the

paper in the recess by the circumferential boundaries.

Especially in view of the disclosure in paragraph 0028 where it is stated that the user positions the medium on top of the lower template 14 in such a position as to cover the particular shape to be scored, it is apparent that the user should be allowed to freely select where to apply a pattern and how to align the medium 26 relative to the stencil. This is clearly contrary to positioning paper or cardboard articles within a recess so that a fixed relationship relative to the stencil holder and the stencil results. In contrast to the free choice that is provided by *Carlson et al.* the present invention, see paragraph 0013, has the goal of eliminating free choice with regard to alignment of pattern and surface, i.e., the stencil with the pattern should be aligned in a certain predetermined position relative to the article so that high-quality, reproducible patterns can be created.

Also, paragraph 0031 of *Carlson et al.* discloses that a ruler for measuring and alignment of the medium 26 can be provided. This is a further indication that this reference clearly teaches away from securing the medium 26 in a fixed position relative to the stencil holder.

The secondary reference *Volk* is cited by the examiner to show that a retaining wall 20 (col. 5, lines 51-57) is provided in order to secure a sheet of paper. However, there is no motivation to use this feature to redesign the depression 30 as *Carlson et al.* teaches away from having a fixed position of the paper relative to the stencil. *Carlson et al.* clearly desires to provide as much freedom of choice for applications of patterns onto the substrate or medium 26 that fixation of the paper as disclosed in *Volk* is undesirable and contrary to the goals of *Carlson et al.*

Reconsideration and withdrawal of the rejection of the claims pursuant to 35 USC 103 are therefore respectfully requested.

#### **CONCLUSION**

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

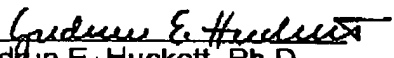
Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or e-mail from the examiner to discuss appropriate amendments to place the application into condition for allowance.

- 13 -

8/23/05: Amd for Ser. No. 10/710,603 - Inventor(s): Horst Mellis - Filing Date: 7/23/2004

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on August 23, 2005.

  
Ms. Gudrun E. Hockett, Ph.D.  
Patent Agent, Registration No. 35,747  
Lönsstr. 53  
42289 Wuppertal  
GERMANY  
Telephone: +49-202-257-0371  
Facsimile: +49-202-257-0372  
gudrun.draudt@t-online.de

GEH

Encl.: - time extension petition (1 sheet);  
- PTO-2038 (1 sheet);  
- replacement drawing sheet/s Figs. (3 sheet/s)

- 14 -

8/23/05: Amd for Ser. No. 10/710,603 - Inventor(s): Horst Mellis - Filing Date: 7/23/2004